

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed October 30, 2006 (the "Office Action"). At the time of the Office Action, Claims 1-20 were pending in the application. In the Office Action, the Examiner rejects Claims 1-20. Applicants amend Claim 16. Applicants respectfully request reconsideration and favorable action in this case.

#### **Section 101 Rejections**

Claims 16-19 are rejected under 35 U.S.C. §101 because the Office Action contends that the claimed invention is directed to non-statutory matter. Applicants have amended independent Claim 16 to recite logic embodied as a computer program stored on a computer readable medium. Applicants respectfully request withdrawal of these rejections.

#### **Section 103 Rejections**

The Examiner rejects Claims 1-5, 7, 10-13, 16, 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,201,554 to Lands ("*Lands*") in view of U.S. Patent No. 6,573,883 issued to Bartlett ("*Bartlett*"). The Examiner rejects Claims 6, 9, 15 and 19 under 35 U.S.C. 103(a) as being unpatentable over *Lands* and *Bartlett* as applied to Claims 1, 10 and 16 and further in view of U.S. Patent Publication No. 2002/0190947 issued to Feinstein ("*Feinstein*"). The Examiner rejects Claims 8, 14 and 18 under 35 U.S.C. 103(a) as being unpatentable over *Lands* and *Bartlett* as applied to Claims 1, 10 and 16 and further in view of WO 2001/86920 issued to Lapidot ("*Lapidot*"). Applicants respectfully traverse these rejections.

Claim 1 recites a display control module operable in a first mode of operation to monitor motion of a device and to determine a location of the device resulting from the motion and in second mode of operation to track movement of the device using a motion detection module and to compare the tracked movement with gestures. Claims 10, 16 and 20 recite similar elements. The Office Action suggests that *Lands* discloses these elements by its "zoom mode of operation as shown in Fig. 6 for example" and its "page mode of operation as shown in Fig. 3, forward paging or backward paging correspond to the gesture

commands." Office Action, page 3. However, *Lands* does not disclose a display control module operable in a second mode of operation to track movement of a handheld device using a motion detection module. *Lands*' forward paging or backward paging of Figure 3 cited in the Office Action relies on first and second sensors 36 and 38, respectively, merely transmit signals indicative of a current angle and direction of tilt which are compared to a reference tilt by CPU 44. *See, e.g., Lands*, col. 3, lines 54-64 and col. 4, lines 30-45. Thus, *Lands* discloses sensors that measure a position (in direction and tilt) of the device and a CPU that compares such position to a reference position (in direction and tilt). *Lands* includes no disclosure of a module operable in a second mode to track movement of the device.

In addition, Claim 1 also recites a mode selection module operable to detect a mode selection trigger and to switch between the first mode of operation and the second mode of operation in response to detecting the mode selection trigger. Claims 10, 16 and 20 recite similar elements. The Office Action suggests that *Lands* discloses these elements. *See* Office Action, page 3. However, *Lands* only discloses one mode of motion detection operation – that discussed above related to sensing a direction and tilt and comparing it to a reference tilt. Thus, *Lands* does not disclose a mode selection module operable to switch between a first mode of operation (operable to monitor motion of the device and to determine a location of the device resulting from the motion) and a second mode of operation (operable to track movement of the device) in response to detecting the mode selection trigger.

Therefore, for at least these reasons, Applicants respectfully submit that Claims 1, 10, 16 and 20 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 2-9 each depends from Claim 1, Claims 11-15 each depends from Claim 10 and Claims 17-19 each depends from Claim 16. Thus, for at least the reasons discussed above with respect to Claims 1, 10 and 16, Applicants respectfully request that the rejections of Claims 2-9, 11-15 and 17-19 be withdrawn.

In addition, Claim 3, which depends from Claim 2, recites wherein the mode selection trigger comprises a change in a state of the device (from Claim 2) and wherein the change in the state of the device occurs when the device switches from a first application to a second application. Claim 12 recites similar elements. The Office Action suggests that these elements are disclosed by *Lands* at column 4, lines 59-66. *See* Office Action, page 4. This cited portion of *Lands* discloses a paging mode operation whereby windows could be pages of a document or pages from different applications, such as a word processing program and a spreadsheet. *See Lands*, col. 4, lines 59-66. The Office Action also suggested that the mode selection module was disclosed by "buttons 28-34" of *Lands*. *See* Office Action, page 3. These buttons are provided to activate and deactivate a paging mode of operation, a volume control mode of operation, a brightness control mode of operation and a zoom mode of operation. *See Lands*, col. 3, lines 42-49. *Lands* does not disclose a change in state of the device of switching from a first application to a second application as a mode selection trigger whose detection is used to switch from a first mode of operation (operable to monitor motion of the device and to determine a location of the device resulting from the motion) to a second mode of operation (operable to track movement of the device). The purported different applications of *Lands* (disclosed in column 4, lines 59-66 cited by the Office Action) or any switching between them do not operate as a mode selection trigger for switching between the claimed first and second modes of operation. Therefore, for at least these reasons, Applicants respectfully submit that Claims 3 and 12 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

**CONCLUSION**

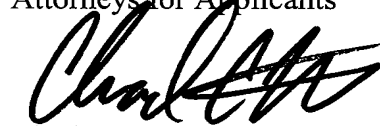
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad C. Walters, Attorney for Applicants, at the Examiner's convenience at (214) 953-6511.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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